



WEB COPY



W.P.No.32417 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 7/3/2025

C O R A M

The Hon'ble **Mrs.JUSTICE BHAVANI SUBBAROYAN**

Writ Petition No.32417 of 2023

S. Mangalam

...

Petitioner

Vs

1. The Registrar of Co-operative Societies
170 EVR Periyar High Road
Kilpauk
Chennai 600 010.
2. The Regional Joint Director of Co-operative Societies
Salem Region
Salem.
3. The Deputy Registrar of Cooperative Societies
Salem Region
Salem.
4. The Deputy Registrar
Salem Circle
Salem.
5. The Administrator
S 1308 Ammapettai Town Co-operative Bank
Ammapettai
Salem 636 003.

...

Respondents.



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PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to appoint the petitioner on compassionate grounds in consideration of decision rendered by this Court in W.P.No.21440 of 2015 etc., cases dated 19/2/2021 and the subsequent orders in W.P.No.4571 of 2023 dated 8/6/2023 on the ground of petitioner's husband P.K.Senthil Kumar employed as Salesman from 1/5/1988 granted time scale of pay and died in harness on 12/2/2012 based on the representation submitted by the petitioner dated 28/3/2022 and 18/8/2023.

For petitioner	...	Mr.S.Nedunchezhiyan
For respondents	...	Mr.B.Tamil Nidhi Additional Government Pleader for R.R.1 to 4
		Mr.S.Rajesh Government Advocate for R.5

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ORDER

This writ petition has been filed to direct the respondents to appoint the petitioner on compassionate ground.



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2. Brief facts are as follows:-

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The petitioner's husband P.K.Senthilkumar was appointed as Salesman in the Ammapettai Town Cooperative Bank, through Administrative Committee and his appointment was initially made on a consolidated basis. The deceased was allowed to continue in service as Salesman without any demur. The employees who have been regularised as per G.O.Ms.No.86 dated 12/3/2001, have been brought into the regular time scale of pay applicable to regular employees, but the name of the husband of the petitioner was not considered for regularisation of service, without any rhyme or reason. Hence, the petitioner has made a representation to the first respondent and consequently, the Regional Joint Director of Cooperative Societies, Salem Region, vide order dated 29/8/2008 allowed the Management of Cooperative Banks to fix the time scale of pay to the irregular employees appointed prior to 12/3/2001 and whose services are not regularised, subject to certain conditions. Thus, the husband of the petitioner was allowed to draw the time scale of pay, though his services were not regularised, pending consideration of the Department.



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3. All said and done, the deceased met with an accident and expired on 12/2/2012, which made the petitioner to submit her representations to the respondents on 16/11/2015, 19/8/2016, 12/9/2019, 23/12/2019 and 27/2/2020, seeking appointment on compassionate grounds. Vide, order dated 22/1/2020, the Deputy Registrar, Salem Circle, Salem, rejected the case of the petitioner, on the ground that services of the deceased was not regularised, as per G.O.Ms.No.86 dated 12/3/2001. Being aggrieved, the petitioner has come before this Court praying for the relief as stated therein.

4. The Joint Registrar/Law Officer (Cooperation), O/o the Registrar of Co-operative Societies, Kilpauk, Chennai, has filed a counter affidavit, wherein it is stated that in respect of the persons who are irregularly appointed in Cooperative Institutions, during the period from 8/7/1980 to 2/3/2001 and those who expired on or after 22/4/2021, for appointing the member of the family under compassionate ground a proposal is sent to the Government through the Registrar of Cooperative Societies and the Government in turn replied in its letter dated 26/4/2024 that no action seems necessary to proceed the above proposal of the Registrar of the Co-operative Societies till the order received from the Writ Appeal in



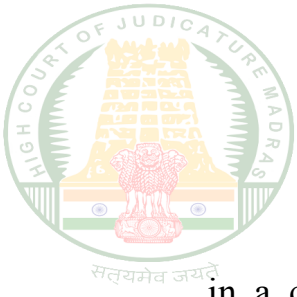
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W.A.Nos.2699 and 2520 of 2022. Further, G.O.Ms.No.18 Labour and Employment Department dated 23/1/2020 does not apply to the employees of Cooperative Institutions.

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5. The Joint Registrar of Cooperative Societies, Salem has filed a counter affidavit on behalf of the second respondent, wherein it is stated that as per the Government Order issued in G.O.Ms.No.18 Labour and Employment (Q1) Department dated 23/1/2020, those persons who are under temporary appointments, consolidated pay, daily wages contract appointments and whose services are not regularised are not eligible for consideration under compassionate ground appointment. Hence prays for dismissal of the writ petition.

6. Heard Mr.S.Nedunchezhiyan, learned counsel for the petitioner, Mr.B.Tamil Nidhi, learned Additional Government Pleader for the respondents 1 to 4 and Mr.S.Rajesh, learned Government Advocate for the fifth respondent.



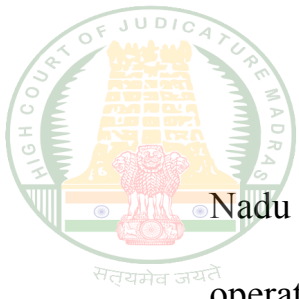
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7. The learned counsel appearing for the petitioner would submit that in a case filed by one K.Anbarasan, in W.P.No.4571 of 2003, claiming compassionate appointment on the ground that his father was employed as Salesman in the Society, but he died in harness even before regularisation of service, whereas this Court had directed the respondents therein to grant appointment on compassionate ground, since the father of the petitioner has completed more than 10 years of service. Similarly, prays this Court to consider the case of the petitioner for compassionate appointment.

8. Mr.B.Tamil Nidhi, learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that exemption from G.O.Ms.No.18, Labour and Employment (Q1) Department dated 23/1/2020 to the extent has to be obtained from the Government. Necessary instructions in this regard will be issued, after getting necessary exemption from the Government, which may take some time.

9. Mr.S.Rajesh, learned Government Advocate, appearing for the fifth respondent would submit that without availing the statutory remedy available by way of filing Revision Petition under Section 153 of the Tamil



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Nadu Co-operative Societies Act, 1983 before the Joint Registrar of Co-operative Societies, Salem Region and District/Revision Authority. Hence, prays to dismiss the writ petition.

10. Perused the materials available on record.

11. Admittedly, the deceased was appointed as Salesman in the fifth respondent Cooperative Bank and initially, his appointment was made on consolidated basis. Consequent to the order passed in G.O.Ms.No.86 dated 12/3/2001, out of 36872 irregular appointments made in the Cooperative Societies within the State of Tamil Nadu, 26768 employees services were regularised by the Regional Joint Registrars of Cooperative Society concerned upto 31/7/2008, whereas remaining employees have not been regularised. Then, vide order, dated 29/8/2008, the second respondent has brought the deceased into regular time scale of pay, but, unfortunately, the petitioner's husband died on 12/2/2012, leaving behind his wife and son aged about 12 years, as his legal heirs.



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12. Considering the pathetic condition of the family of the petitioner, this Court taking into consideration of the plight of the petitioner and also in the interest of justice, directs the fifth respondent to consider the case of the petitioner sympathetically, in granting appointment on compassionate ground, based on the representations of the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

13. With the above direction, this writ petition is disposed of. No costs.

7/3/2025

mvs.

Index: Yes/No

Neutral Citation: Yes/No



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170 EVR Periyar High Road

Kilpauk

Chennai 600 010.

2. The Regional Joint Director of Co-operative Societies

Salem Region

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